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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,476	02/08/2002	Ichiro Hamada	SONYJP 3.0-210	9957
530 7590 09/07/2007 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			EXAMINER HENEGHAN, MATTHEW E	
			ART UNIT 2134	PAPER NUMBER
			MAIL DATE 09/07/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/976,476

Applicant(s)

HAMADA, ICHIRO

Examiner

Matthew Heneghan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,4,6,7,9 and 13-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6,7,9 and 13-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3 July 2007 has been entered.

2. In response to the previous office action, Applicant has amended claims 1, 3, 4, 6, 7, 9, and 13-15. Claims 1, 3, 4, 6, 7, 9, and 13-15 have been examined.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 1, 3, 4, 6, 7, 9, and 13-15 are rejected under 35 U.S.C. 103(a) as obvious over WIPO Patent Application Publication No. WO00/52684 to Kihara et al.

NOTE: Though the cited document is in Japanese, an English language translation of the pertinent portions of its specification is available in the specification of U.S. Patent No. 7,155,013. All citations herein are being made with respect to the '013 patent.

Regarding claims 1, 4, and 7, Kihara discloses a programmed information processing apparatus connected to external devices via a bi-directional bus (see fig. 1 and column 6, lines 1-14) for device input and output, connected to a DSP, which performs the appropriate encoding and decoding of a digital stream. Decryption is triggered by the detection of a byte at the beginning of one block of decrypted data. After decryption, received data is tested to determine if it is proper audio data. If it is abnormal (caused by bad decryption or not being audio data), the output is muted (see column 32, lines 26-38).

Kihara does not state how exactly the determination is made that the reproduced data is determined to be normal or abnormal.

Official notice is given that it is well-known in the art to determine the correctness of an audio stream by testing against an industry standard, such as IEC60958, in order to promote interoperability.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to test an audio stream for IEC60958 conformance, as is well-known in the art, to promote interoperability.

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Regarding claims 3, 6, and 9, Kihara discloses that the judging is performed once a second (see column 32, lines 30-31), but doesn't explicitly state that muting would be terminated if a test were successful.

Official notice is given that it well-known in the art to end a corrective measure if an error condition ceases, as that measure might interfere with the proper function of the system.

Therefore it would have been obvious to one of ordinary skill in the art at time the invention was made to modify the invention of Kihara by ending muting if a subsequent test, one second later, were successful, to stop the muting from interfering with the proper function of the information processing device.

The field of audio reception is a predictable art and the amount of time one should wait before determining an error is a matter of design choice. Therefore, it would further be obvious to one of ordinary skill in the art at the time the invention was made to test every 0.5 seconds, rather than every 1 second, as this a matter of design choice.

Regarding claims 13-15, Kihara does not state what bus protocol is to be used.

Official notice is given that it is well-known in the art to use the IEEE1394 standard for a multi-device bus protocol, as the use of industry standards promotes interoperability.

Therefore it would have been obvious to one of ordinary skill in the art at time the invention was made to modify the invention of Kihara by using

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IEEE1394 for the bus protocol, as the use of industry standards promotes interoperability.

### ***Response to Arguments***

4. Applicant's arguments, see Remarks, filed 28 November 2006, with respect to the rejections of the claims under 35 U.S.C. 102 and 103 have been fully considered and are persuasive in view of Applicant's amendments. Therefore, the grounds of rejection have been modified.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew E. Heneghan, whose telephone number is (571) 272-3834. The examiner can normally be reached on Monday-Friday from 8:30 AM - 4:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand, can be reached at (571) 272-3811.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Or faxed to:**

(571) 273-3800

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Matthew Heneghan/

September 3, 2007

Patent Examiner (FSA), USPTO AU 2134